

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**ALFONSO MORALES and
DAVID KOLATSKI,**

Plaintiffs,

v.

**POLICE CHIEF ARTHUR JONES,
DEPUTY MONICA RAY, and
CITY OF MILWAUKEE,**

Defendants.

No. 00-CV-0618-DRH

ORDER

HERNDON, District Judge:

Now before the Court are several motions filed by Defendants: motion to expedite briefing (Doc. 103); Rule 7.4 expedited non-dispositive motion to amend scheduling order (Doc. 105); and a second motion for summary judgment (Doc. 107). Plaintiff opposes the motion to amend scheduling order (Doc. 109).

On June 17, 2003, Judge Stadtmueller amended the scheduling order and extended the dispositive motion deadline to July 14, 2003 (Doc. 40). Thereafter, Defendants filed their motion for summary judgment motion on July 16, 2003 (Doc. 41), which Judge Stadtmueller denied on March 29, 2004 (Doc. 58). On September 28, 2005, the Clerk of the Court set this case for jury trial before the undersigned Judge on November 14, 2005 (Doc. 93). On October 18, 2005 (5 ½ years after the case was filed, 2 years and 3 months after the dispositive motion deadline expired,

and less than a month before the trial date), Defendants filed these motions.¹ The Court finds that the motions are untimely, as the dispositive motion deadline expired on July 14, 2003. Further, Defendants previously filed a motion for summary judgment, which Judge Stadtmueller denied. The Court finds that an extension of the scheduling order is not warranted in this case. Accordingly, the Court **DENIES** the motions (Docs. 103, 105 & 107). The Court reminds the parties that the case is set for trial November 14, 2005.

IT IS SO ORDERED.

Signed this 3rd day of November, 2005.

/s/ David RHerndon
United States District Judge

¹Prior to filing these motions, Defendants appealed the Court's October 12, 2005 Order denying their motion for adjournment of trial (Doc. 101). On October 27, 2005, the Seventh Circuit Court of Appeals granted Plaintiff's motion to dismiss and dismissed the appeal.